

## Article - General Provisions

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§5–525.

(a) (1) In this section the following words have the meanings indicated.

(2) “Conflict of interest policies” means policies adopted by a governing board and approved:

(i) by the Office of the Attorney General; and

(ii) as to conformity with this section, by the Ethics Commission.

(3) “Educational institution” means:

(i) a public senior higher education institution as defined in § 10–101 of the Education Article;

(ii) a center or an institute of the University System of Maryland that is designated in the conflict of interest policies adopted by the System’s Board of Regents; or

(iii) the University System of Maryland Administration, for which the Chancellor of the System shall be considered the president for purposes of this section.

(4) “Governing board” has the meaning provided in § 10–101 of the Education Article.

(5) “Relationship” includes any:

(i) interest;

(ii) service;

(iii) employment;

(iv) gift; or

(v) other benefit or relationship.

(6) (i) “Research or development” means basic or applied research or development.

(ii) “Research or development” includes:

1. the development or marketing of university-owned technology;

2. the acquisition of services of an official or employee by an entity for research and development purposes; or

3. participation in State economic development programs.

(b) (1) Each educational institution engaged in research or development shall develop conflict of interest procedures based on:

(i) conflict of interest policies developed by its governing board; and

(ii) the purposes of this title specified in § 5–102 of this title.

(2) Before they may become effective, the procedures and policies developed under this subsection shall be approved by:

(i) the Office of the Attorney General; and

(ii) as to conformity with this section, the Ethics Commission.

(c) The procedures adopted by an educational institution under subsection (b) of this section shall:

(1) require disclosure of any interest in, employment by, or other relationship with an entity for which an exemption under this section is claimed, on a form filed with the Ethics Commission and maintained as a public record at the educational institution;

(2) require a review of all disclosures by a designated official, who shall determine what:

(i) further information must be disclosed; and

(ii) restrictions shall be imposed by the educational institution to manage, reduce, or eliminate any actual or potential conflict of interest;

(3) include guidelines to ensure that interests and employment for which an exemption under this section is claimed do not:

(i) improperly give an advantage to entities in which the interests or employment are maintained;

(ii) lead to misuse of institution students or employees for the benefit of entities in which the interests or employment are maintained; or

(iii) otherwise interfere with the duties and responsibilities of the exempt official or employee;

(4) require approval by the president of the educational institution of any interest or employment for which an exemption is claimed under this section; and

(5) require approval by the governing board of the educational institution if an exemption is claimed by the president of the educational institution.

(d) Policies and procedures adopted under this section may provide for periodic consultation with the Department of Commerce and with federal agencies that have imposed regulatory requirements on federally funded research, concerning the implementation of this section.

(e) (1) Except as provided in subsection (f) of this section, a present or former official or employee at an educational institution may have a relationship, otherwise prohibited by this subtitle, with an entity engaged in research or development, or with an entity having a direct interest in the outcome of research or development, only if:

(i) the educational institution has adopted policies and procedures in accordance with this section; and

(ii) the official or employee has complied with the policies and procedures.

(2) If the provisions of this subsection are not met, the official or employee is not exempt from any relevant provisions of this subtitle.

(f) (1) This section does not exempt an official or employee at an educational institution from the provisions of § 5–505 of this subtitle.

(2) An official or employee at an educational institution may not:

(i) represent a party for contingent compensation in any matter before the institution's governing board or before the Board of Public Works; or

(ii) intentionally misuse the individual's State position for the individual's personal gain or for the gain of another person.

(g) Each governing board shall report quarterly to the Governor, the Legislative Policy Committee of the General Assembly, and the Ethics Commission:

(1) the number of approvals granted under subsection (c) of this section; and

(2) how the conflict of interest policies and procedures adopted under this section have been implemented in the preceding year.

(h) (1) This subsection applies to an official who is:

(i) a chancellor, vice chancellor, president, or vice president at a public senior higher educational institution in the State; or

(ii) an individual who holds a similar position at a public senior higher educational institution in the State.

(2) An official subject to this subsection may not receive an exemption under this section unless the governing board of the educational institution finds that:

(i) participation by, and the financial interest or employment of, the official is necessary to the success of the research or development activity; and

(ii) the conflict of interest can be managed consistent with the purposes of this section and other relevant provisions of this title.

(3) Notwithstanding subsection (g) of this section, the governing board of an educational institution promptly shall notify the Ethics Commission in writing of any exemption that is granted under this section to an official subject to this subsection.

(4) (i) If the Ethics Commission disagrees with an exemption that is granted by the governing board of an educational institution to an official who is subject to this subsection, within 30 days after receipt of the notice under paragraph

(3) of this subsection, the Ethics Commission shall notify the governing board of the reason for its disagreement.

(ii) On receipt of the notice from the Ethics Commission under subparagraph (i) of this paragraph, the governing board of the educational institution shall reexamine the matter.

(i) This section may be cited as the Public–Private Partnership Act.

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